

BARCON CORPORATION

CONTRACT NO. V678C-656

VABCA-5444-5446

VA MEDICAL CENTER  
TUCSON, ARIZONA

*Julianne C. Wheeler, Esq.*, Phoenix, Arizona, for the Appellant.

*Anna C. Maddan, Esq.*, Trial Attorney, San Francisco, California; *Charlma J. Quarles, Esq.*, Deputy Assistant General Counsel; and *Phillipa L. Anderson, Esq.*, Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

### ORDER DISMISSING APPEALS WITHOUT PREJUDICE

1. The above-cited appeals were docketed in September and October 1997.
2. On June 30, 1999, the Board received a Status Report, that indicated that the parties were not ready to proceed and needed another 90 days for discovery. Recent attempts to arrange a conference call have been unsuccessful.
3. Given the foregoing, the Board is unable to proceed in these appeals and has little assurance of when it may do so. Accordingly, the appeals of Barcon Corporation, VABCA-5444-5446, are hereby **Dismissed Without Prejudice** pursuant to Rule 30.
4. Either party may move at any time within three years to reinstate these appeals to the active docket provided it simultaneously furnishes the Board a proposed schedule for bringing the matter to hearing within 120 days from date of motion.

Date: **August 12, 1999**

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William E. Thomas  
Administrative Judge